IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

P.I.L. NO.63 OF 2005

Dilip Dadu Kamble & ors. Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.Madhav Jamdar for the petitioners.

Mr.P.M.Patil, Assistant Government Pleader for the respondent no.1.

Mr.R.G.Ketkar for the respondents 2 and 3.

Mr.K.Y.Mandlik for the respondents 4 and 5.

CORAM : R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED : 1st February 2006

P.C.

Heard Mr.Madhav Jamdar, the learned counsel for the petitioners, Mr.R.G.Ketkar, the learned counsel for the respondents 2 and 3 and Mr.K.Y.Mandlik, the learned counsel for the respondents 4 and 5.

2. The petitioners claim to be occupying various slum structures standing on city survey nos. 1046 to 1054, Nana peth, Pune. City Survey no.1053 is shown as children's playground in the development plan for Pune city. The grievance of the petitioners is that in the sanctioned plan of the proposed slum Rehabilitation scheme, the said reservation of 4000 sq.mtrs. is sought to be reduced to about 1320 sq.mtrs. and, therefore, by means of this writ petition, they seek to challenge the scheme of slum redevelopment undertaken on city survey

nos.1046 to 1054, Nana peth, Pune.

3. It appears from the reply that city survey nos. 1046 to 1054 situate at Nana peth, Pune were declared as slum area under Section 4(1) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 on 14th February 1984 and the declaration appeared in the Maharashtra Government Gazettee issued on 23rd February 1984. In the survey conducted pursuant to the notification under Section 4(1), the petitioners or their relatives were found to be occupying the huts thereat. Before the scheme was sanctioned, the procedure contemplated under the Act has been followed.

4. That the petitioners are beneficiaries of the slum scheme sanctioned under the Act of 1971 is not in challenge.

5. The slum scheme having become final and operative and the petitioners being beneficiaries thereunder, we are satisfied that this Public Interest Litigation is not bonafide and honest and is actuated with ulterior motive and does not deserve to be entertained.

. Disposed of accordingly.

(R. M. LODHA, J.)

(ANOOP V. MOHTA, J.)